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ORDER TO SHOW CAUSE AND NOTICE OF HEARING
ORDEN DE PRESENTAR MOTIVOS JUSTIFICANTES Y AVISO DE AUDIENCIA)

Deportation Proceedings under section 242 of the Immigration and Nationality Act.
(Trámites de deportación a tenor de la sección 242 de la Ley de Inmigración y Nacionalidad.)

United States of America:
Estados Unidos de América:)

File No. A70 116 167
(No. de registro)

Dated July 30, 1992
(Fecha)

Matter of
(Asunto de)
Issue
(Causa)

Chin Sun LIN

(Respondent)
(Demandado)

Phone No. (Area Code)
(Número de teléfono y código de área)

Upon inquiry conducted by the Immigration and Naturalization Service, it is alleged that:
(Según las indagaciones realizadas por el Servicio de Inmigración y Naturalización, se alega que:)

You are not a citizen or national of the United States;
(Ud. no es ciudadano o nacional de los Estados Unidos)

You are a native of People's Republic of China and a citizen of People's Republic of China;
(Ud. es nativo de) (y ciudadano de)

You entered the United States at or near Douglas, Arizona on or about July 29, 1992;
(Ud. entró a los Estados Unidos en o cerca de) (el día o hacia esa fecha)

You were not then inspected by an immigration officer.
(Ud. no fue inspeccionado entonces por un funcionario de inmigración)

ORIGINAL SERVED ON
COURT/EOIR ON 8/3/92

ORIG OSC SENT TO LIT. JUL 31 1992
UNDER DOCKET CONTROL SPEC/FLO

Department of Justice
Immigration and Naturalization Service

Order to Show Cause and Notice of Hearing

Continuation Sheet
(Hoja complementaria)

Subject (Nombre del sujeto)
Chin Sun LIN

Dated (Fecha) July 30, 1992
File No. (No. de registro) A70-116 167

On the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the provision(s) of law.
Según los alegatos anteriores, se le acusa de estar sujeto a deportación de acuerdo con la(s) siguiente(s) ley(es) de la ley:

Section 241 (a) (1) (B) of the Immigration and Nationality Act, as amended, in that you entered the United States without inspection.

Sección 241 (a) (1) (B) de la Ley de Inmigración y Nacionalidad, según enmendada, en que usted entró a los Estados Unidos sin inspección.

HEREFORE, YOU ARE ORDERED to appear for a hearing before an Immigration Judge of the Executive Office for Immigration Review of the United States Department of Justice at:
POR LO CUAL, SE LE ORDENA comparecer ante un juez de inmigración de la Oficina Ejecutiva de Revisión de Inmigración del Departamento de Justicia de los Estados Unidos en:
To be calendared and notice provided by the Executive Office for Immigration Review.
Notice will be mailed to the address provided by the respondent in accordance with:
Dirección: 242B(a)(1)(F).

On (Fecha)

At (Hora)

Now cause why you should not be deported from the United States on the charge(s) set forth above.
Exponer motivos justificantes por cual no debería ser deportado de los Estados Unidos por los cargos expresados anteriormente.)

July 30, 1992

Signature of Issuing Officer

(Firma del funcionario que la expide)

State of Issuance (Estado donde se expide)

Tucson, Arizona

Title of Issuing Officer

(Título del funcionario que la expide)

Assistant Chief Patrol Agent

Order to Show Cause shall be filed with the Immigration Judge of the Executive Office for Immigration Review at the address provided below. You must report changes of your address or telephone number in writing to this office:

Debe presentar una Orden de Presentar Motivos Justificantes a la Oficina Ejecutiva de Revisión de Inmigración en la siguiente dirección. Debe notificar cualquier cambio de su domicilio o número de teléfono por escrito a:

The Office of the Immigration Judge

Federal Building Room 3114

230 North First Avenue

Phoenix, Arizona 85025

Certificate of Translation and Oral Notice

Order to Show Cause ☒ was ☐ was not read to the named alien in the Mandarin language, which is his/her native language or a language which he/she understands.

July 30, 1992

Signature

Liting Barber

Printed Name and Title of Translator

Chinese College, Douglas, Arizona, 85607

Address of Translator (if other than INS employee) or office location and division (if INS employee)

If notice was not provided please explain)

Manner of Service

Alien's
Right Thumb Print

☒ Personal Service to Alien

☐ Certified Mail - Return Receipt Requested

☐ Alien

☐ Counsel of Record



Certificate of Service

Order to Show Cause was served by me at Douglas, Arizona on July 30, 19 92

Servicer's Signature

Printed Name

BPA

Title

Douglas, Arizona

Office

Alien's Signature (acknowledgment/receipt of this form)
(Firma de extranjero/acuse de recibo)

Request for Prompt Hearing and Waiver of 14-Day Minimum Period
(Solicitud de audiencia inmediata y renuncia al plazo mínimo de 14 días)

To expedite determination of my case, I request an immediate hearing, and waive my right to the 14 day notice.
(Para agilizar la decisión sobre mi caso, solicito una audiencia inmediata y renuncio a mi derecho a un plazo mínimo de 14 días.)

July 30, 1992

Signature of Respondent
(Firma de demandado)

Date
(Fecha)

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EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
PHOENIX, ARIZONA
File A70-116-167

In the Matter of:

LIN, CHIN SUN
Respondent

In Deportation Proceedings

CHARGE(S): 241(a)(01)(B)()
APPLICATION(S):

On behalf of the Respondent:

On behalf of the Service

RAZNICK, ARTHUR

DECISION OF THE IMMIGRATION JUDGE

It is charged in the Order to Show Cause that the respondent is a native of CHINA and citizen of CHINA who entered the United States on or about July 24, 1991 and is deportable under Section 241(a)(01)(B)() of the Act. The Order to Show Cause was served upon the respondent. This Order to Show Cause contained a warning that a failure to attend the hearing at the time and place designated may result in a determination being made by the Immigration Judge in the respondent's absence. The respondent was duly notified of the time and place of the hearing, but without reasonable cause failed to appear on Oct 14, 1992 .

Section 242(b) of the Act, 8 U.S.C. 1252(b), provides inter alia that the Immigration Judge shall have the power to conduct in absentia hearings, "If any alien has been given a reasonable opportunity to be present at a proceeding under this section, and without reasonable cause fails or refuses to attend....the (Immigration Judge) may proceed to a determination in like manner as if the alien were present." The Supreme Court in INS v. Lopez-Mendoza, 104 S. Ct. 3479 (1984) stated, "The respondent must be given a reasonable opportunity to be present at the proceeding, but if the respondent fails to avail himself of the opportunity, the hearing may proceed in his absence." See also Matter of Charles, 16 I&N Dec. 241 (BIA 1971); Matter of Jean, 17 I&N Dec. 100 (BIA 1979); Matter of Patel, I.D. 2993 (BIA 1985); and Matter of Perez, I.D. 3025 (BIA 1987).

Since respondent failed to appear or show any reason for such failure to appear, deportation proceedings were held in absentia. The Immigration and Naturalization Service presented Form I-213, Record of Deportable Alien/passport/affidavit/other* as evidence that the respondent is a native and citizen of the country stated in the Order to Show Cause and is deportable on the charge set forth in the Order to Show Cause. I find that deportability has been

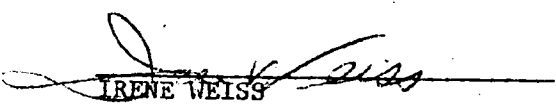
ELN

established by evidence which is clear, convincing and unequivocal.
Woodby v. INS, 385 U.S. 276 (1966), 8 C.F.R. 242.14.

Respondent is not present to establish eligibility for any relief from deportation and therefore will be ordered deported to the country of his citizenship.

ORDER: IT IS ORDERED that respondent be deported from the United States to CHINA on the charge(s) contained in the Order to Show Cause.

Date: 10/14/92


IRENE WEISS

Immigration Judge

1U

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DATE August 27, 2001		INFORMATION FOR TRAVEL DOCUMENT OR PASSPORT				FILE A70 577 572
1. NAME ZHANG, Tong Ho						2. SEX Male
3. OTHER NAMES USED OR KNOWN BY LIN, Chin Sun						4. CITIZENSHIP china
5. DATE OF BIRTH 1/8/72		6. PLACE OF BIRTH Chang Lau Fu Chin, China				
7. HEIGHT 66"	WEIGHT 130bs	EYES Brown	HAIR Black	COMPLEXION Light	MARKS OR SCARS N/V	
8. NEAREST LARGE CITY TO PLACE OF BIRTH Chang Lau Fu Chin				9. DISTANCE AND DIRECTION OF PLACE OF BIRTH FROM THIS LARGE CITY N/A		
10. IF CITIZENSHIP IS DIFFERENT FROM COUNTRY OF BIRTH, EXPLAIN. IF NATURALIZED IN ANY COUNTRY, SHOW DATE AND PLACE OF NATURALIZATION, CERTIFICATE NUMBER, AND STATE HOW CITIZENSHIP WAS ACQUIRED. N/A						
11. NAMES, LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN SCHOOLS N/A				12. NAMES, EXACT LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN CHURCHES. INCLUDE DATE AND NATURE OF ANY RELIGIOUS CEREMONY WHICH MAY HAVE BEEN RECORDED. UNKNOWN		
13. LAST PERMANENT RESIDENCE IN COUNTRY OF CITIZENSHIP (Show dates of residence) Chang Lau Fu Chin, China						
14. ADDRESS IN COUNTRY OF LAST FOREIGN RESIDENCE (Show dates of residence, and immigration status there) China						
15. PLACE OF ENTRY INTO UNITED STATES Douglas, Arizona					DATE OF ENTRY INTO UNITED STATES July 29, 1992	
16. LIST DATE AND PLACE OF ISSUANCE AND NUMBER OF PASSPORT, BIRTH CERTIFICATE, BAPTISMAL CERTIFICATE OR DOCUMENT OF IDENTITY, SPECIFY DATES OF MILITARY SERVICE, COUNTRY AND UNIT, RANK, SERIAL NUMBER, AND PLACES OF INDUCTION AND DISCHARGE. N/A						
17. IN POSSESSION OF TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO. DESCRIBE DOCUMENT (S). IF SUBJECT DID NOT HAVE TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY, OR DOES NOT HAVE SUCH A DOCUMENT NOW, INDICATE WHETHER EVER OBTAINED ONE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO. STATE HOW, WHEN, AND WHERE IT WAS OBTAINED: WHAT KIND OF DOCUMENT IT WAS, AND WHAT BECAME OF IT. N/A						
18. FATHER'S NAME LIN, Shing			DATE OF BIRTH UNK		PLACE OF BIRTH china	
19. MOTHER'S MAIDEN NAME LIN-MAY, Nong			DATE OF BIRTH UNK		PLACE OF BIRTH china	
PRESENT ADDRESS N/A						
20. NAME, RELATIONSHIP, AND ADDRESSES OF RELATIVES ABROAD N/A						
21. PREVIOUSLY <input type="checkbox"/> EXCLUDED <input type="checkbox"/> DEPORTED <input type="checkbox"/> REQUIRED TO DEPART FROM THE UNITED STATES ON _____ VIA _____ TO _____ (Date) (Part) (Country)						
22. INDICATE WHETHER EVER ARRESTED, IN PRISON OR A PUBLIC INSTITUTION IN THE COUNTRY OF WHICH A NATIONAL, SUBJECT OR CITIZEN: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO. IF SO, GIVE DATES AND PLACES N/A						
23. NAME, NATIONALITY AND PRESENT ADDRESS OF SPOUSE, AND DATE AND PLACE OF MARRIAGE N/A						
24. NAMES, AGES AND ADDRESSES OF ALL CHILDREN N/A						
25. IF NONCANADIAN DEPORTABLE TO CANADA, GIVE DATE AND PORT OF ARRIVAL IN CANADA, AND NAME OF VESSEL N/A						

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**U.S. Department of Justice
Immigration and Naturalization Service
Philadelphia District**

*1287 County Welfare Road
Leesport, PA. 19533*

February 12, 2002

Consulate General of the People's Republic of China
Attn: Vice Consul Zheng
520 12th Avenue
New York, NY 10036

RE: ZHANG, Tong Ho A# 70 577 572

Dear Vice Consul Zheng,

Please find enclosed a completed Declaration of Identity/Personal Particulars, 8 passport-sized photographs and a copy of the original travel document request made to your office of behalf of Mr. Tong Ho Zhang, a native and citizen of the People's Republic of China. Mr. Zhang has expressed a strong desire to be repatriated to his native country and to that end, this office has taken the liberty of forwarding the attached documents to your office.

As you are aware, Mr. Zhang entered the United States illegally at Douglas, AZ on or about July 29, 1992. At that time, Mr. Zhang was not in possession of a valid passport or visa. As a result, Mr. Zhang was placed in exclusion proceedings for which Mr. Zhang failed to appear and was ordered excluded from the United States.

Mr. Zhang will be scheduled to depart the United States upon receipt of a travel document. Since Mr. Zhang is being detained at government expense, a prompt reply would be most appreciated.

Should you need any further information to assist you in issuing a travel document for Mr. Zhang, please contact Officers Bernal, Savina or Agagan at (610) 208-4821 or fax (610) 376-0435.

Sincerely,

Theodore R. Nordmark

Theodore R. Nordmark *tyg*
Assistant District Director
Detention and Deportation

Encl:

- 1) Declaration of Identity/Personal Particulars
- 2) 8 passport-sized photographs
- 3) Original travel document request

中华人民共和国总领事馆
CONSULATE GENERAL OF
THE PEOPLE'S REPUBLIC OF CHINA
520 12th Avenue, New York, NY 10036
电话 Tel: (212) 330-7400

此栏由总领事馆使用
For Consulate General use only

注意: 此表必须用中文填写并签署。

Note: This form MUST be filled and signed in Chinese characters. USINS File # _____

身份陈述书

DECLARATION OF IDENTITY / PERSONAL PARTICULARS

本人现声明下列所有有关本人的资料均属实。

I hereby declare that the following particulars concerning myself are true:

姓名

Name in full

张 毓 好

出生地点

Place of birth

中国福建省长乐县航头乡

出生日期

Date of birth

1992. 1. 8

性别

男

女

Sex

Male

Female

相片

Photograph

在中国居住的家人或亲友姓名、住址及联系电话:

Name, detailed address and phone number of a relative or friend in China:

姓名

张性炳

亲属关系:

父、母、配偶、兄弟姐妹、其他(请划圈)

住址:

福建省

省

长乐县

市

航头乡

镇

石龙村

村

街 12 号

电话:

何时来到美国

Date of Entry into the United States

1991

年

9

月

month

28

day

在何处进入美国

Place of Entry into the United States

NEW YORK

州

市

如何来到美国

I Entered the United States

☐

乘飞机

☒

乘船

☐

其他

by air

by sea

Other

☐

我持有中国护照, 号码是:

I Hold a China Passport No. _____

☒

我没有中国护照。

I have no passport.

张 毓 好

签名 Signature of the traveler

02-12-02

填表日期 Date



请在适当方格内填上 [✓] 号。



Tick as appropriate.

原持护照证件情况		证件名称	NO		证件号码	NO		发证机关	NO		发证时间	NO		发证地点	NO		有效期限	NO	
如已遗失, 请填上遗失情况:		遗失地点	NO		遗失时间	NO		遗失原因	NO										
在英身份		NO	领照原因		NO														
交验证件的名称及其号码		工卡/绿卡																	
住址		中国: 福建省厦门市湖里区 12		国外: 1382, while plane		电话		718 829 0087											
服务单位		NO																	
地址电话		NO																	
职业		小 I		文化程度		小学													
出生日期		72 年 1 月 8 日		婚姻状况		NO													
性别		男		出生地点		福建省厦门市													
姓名		中文: 张统好		外文: Zhang Tonghao															
贴照片处																			

(请逐项正楷填写) (持用外国护照者不得申请)

年 月 日

中国旅行证申请表



U.S. Department of Justice
Immigration and Naturalization Service
Philadelphia District

1287 County Welfare Road
Leesport, PA. 19533

December 10, 2001

Consulate General of the People's Republic of China
Attn: Vice Consul Zheng
520 12th Avenue
New York, NY 10036

RE: ZHANG, Tong Ho A#70 577 572

Dear Vice Consul Zheng,

Please accept this letter with the enclosed documents as a formal request for an emergency travel document on behalf of Mr. Tong Ho Zhang, a native and citizen of China.

Mr. Zhang entered the United States illegally at Douglas, AZ on or about July 29, 1992. At that time, Mr. Zhang was not in possession of a valid passport or visa. As a result, Mr. Zhang was placed in exclusion proceedings for which he failed to appear and was ordered excluded from the United States

Mr Zhang will be scheduled to depart the United States upon receipt of a travel document. Since he is being detained at Service expense, a prompt response to our request to obtain a travel document would be most appreciated.

Should you need any further information to assist you in obtaining a travel document, please contact Officers Bernal or Savina at (610) 208-4821 or fax (610) 376-0435.

Sincerely,

Theodore R. Nordmark
Theodore R. Nordmark *by 92*

Assistant District Director
Detention and Deportation

Encl:

- (1) Order to Show Cause
- (2) Decision of the Immigration Judge
- (3) Warrant of Deportation
- (4) Form I-217
- (5) Passport-sized photographs

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U.S. Department of Justice
Immigration and Naturalization Service

1600 Callowhill Street
Philadelphia, PA 19608

ZHANG, Tong Ho
C/O Montgomery County Correctional Facility
Booking # 02-0014
60 Eagleville Road
Norristown, PA 19403-1400

A# 70 577 572

Notice to Alien of File Custody Review

You are detained in the custody of the Immigration and Naturalization Service (INS) and you are required to cooperate with the INS in effecting your removal from the United States. If the INS has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days) of either: 1) your entering INS custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in INS custody, the INS District Director will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you will not pose a danger to the community and will not present a flight risk.

Your custody status will be reviewed on or about: March 12, 2002. The District Director may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Cooperation in obtaining your travel document.
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The district director will notify you of the decision in your case. Attached to this notice a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case.

U.S. Department of Justice
Immigration and Naturalization Service
Attn: Deportation Officer Bernal
1287 County Welfare Road
Leesport, PA 19533

METHOD OF SERVICE

I certify that this form was provided to the alien by:
() CC: Attorney of Record or Designated Representative
(X) CC: A-file

(Hand)

(Institution Mail)

Signature of Officer

Esther Bernal
Print Name of Officer

Date

2/5/02

**POST ORDER CUSTODY REVIEW WORKSHEET FOR FILE REVIEW
AND/OR INTERVIEW**

Detainee Name: Tong Ho ZHANG **Date of Birth:** 01/08/1972 **"A" Number:** A70 577 572

AKAs: Chin Sun LIN

BOP Number:

Country of Birth: China

Citizenship: China

Date of Arrival: July 29, 1992 **Place of Arrival:** Douglas, AZ

Manner of Arrival: EWI

Last Date into INS Custody: December 12, 2001

Entered INS Custody from:

☒ Local ☐ State ☐ Federal Institution
☐ Other

Location: Rikers Island

Institution Number: NYSID8208149Q

Immigration History: (Prior INS arrest[s]/parole/bond/custody information)

Describe: 09/29/92: Entered EWI
 07/30/92 OSC issued: Released on Bond
 10/14/92: Ordered removed by IJ in absentia, bond breached

Deportation Officer: Robert Bernal

Date of Review: 03/13/2002

Location Detained: Montgomery County Correctional Facility
60 Eagleville Road
Norristown, PA 19403-1400

Deportation/Exclusion/Removal Proceedings

List all Charges: ☐ Section 237 (a) , ,
 ☐ Section 212 (a) , ,
 ☒ Section 241 (a)(1)(B),

☒ Under Final Order dated 10/14/92 by ☒ IJ ☐ BIA ☐ Other

☒ Appeal Waived /

Appeal Time Elapsed

Travel Document Status/History:

Travel documents have been requested on August 27, 2001, December 10, 2001 and February 12, 2002. Subject was presented to the Chinese consulate on August 27, 2001 by the Varick Street office. No response has been received yet.

Legal Representative / Attorney

G-28 Filed: ☐ Yes ☒ No

Legal Rep/Atty. Notified of Interview: ☐ Yes ☐ N/A by:
on:

Name of Representative / Attorney:

Mailing Address: Telephone Number:

Present during interview: ☐ Yes ☐ No

Criminal History

Outside the United States: No record found
(specify nature of crime, whether convicted, sentence imposed, date, and country)

In the United States: See below

NCIC Checks: ☒ Criminal History ☐ No record Found
(State and Federal)

FBI# 288416CB9 SID# NY 8208149Q

Summary of NCIC Checks:

Subject has been arrested for Kidnapping, Robbery 1°, and Criminal Possession of a Weapon.
No record of conviction found in file or NCIC printout.
Subject also had a bench warrant placed on him.

Institutional / Disciplinary Record

Did the detainee have prior Disciplinary Reports? ☐ Yes ☒ No

If Yes, List & Describe: No record found

Disciplinary reports and Incidents while in INS Custody? ☐ Yes ☒ No

If Yes, List & Describe: No record found

Specifics of Interview

Date of File Review: 03/13/2002

Date of Detainee Interview: NO INTERVIEW HELD

Location of Interview:

Interviewing Officer:#1:

Interpreter Used: ☐ Yes ☐ No Name:

Language/Dialect:

Does the detainee have a place to live in the United States? ☐ Yes ☒ No

Address: No evidence submitted or found

Is the detainee subject to any parole or probation requirements? ☐ Yes ☒ No

Describe:

Does the detainee have close family ties within the United States? ☐ Yes ☒ No

Describe: No evidence submitted or found

Does the detainee have any community ties or non-governmental sponsors? ☐ Yes ☒ No

Describe: No evidence submitted or found

Does the detainee have any employment prospects? ☐ Yes ☒ No

Describe: No evidence submitted or found

What is the detainee's employment history?

Describe: No evidence submitted or found

What is the detainee's educational level?

Describe: Unknown

Does the detainee have any vocational training? ☐ Yes ☒ No

Describe:

Medical/Psychological Concerns

Medical/Psychological Report : ☐ In A-File ☒ None ☐ Not Available

Date and Source:

Summary:

Other documentary evidence for consideration in this review:

NCIC printout

Discussion at Interview

Notes:

NO INTERVIEW HELD

The INS detainee was found ☐ CREDIBLE ☐ NOT CREDIBLE
Explain:

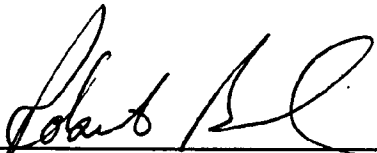
Officer Comments/Analysis & Recommendation

The subject of this review is 30-year-old native and citizen of the People's Republic of China. He has been arrested for several violent crimes but no record of conviction can be found. However, the subject has proven himself to be a flight risk. He has breached one immigration bond in addition to failing to appear for a scheduled immigration hearing. He has also failed to report as ordered for removal. The subject has also had a bench warrant placed on him by the NYPD. It is abundantly clear that the subject would likely not comply with any orders given to him by the INS.

The conclusion that the subject would pose a significant flight risk is further strengthened by the subject's almost complete lack of equities in the United States. He lacks familial or communal ties, offered employment and a place of residence. The subject has provided no evidence whatsoever to rebut the assumption that he is a flight risk.

While a travel document has not yet been received, it is common knowledge that the Chinese consulate in New York is extremely slow to issue travel documents. It is not unreasonable to believe that a travel document can be obtained through persistent effort.

As such, it is recommended that the subject remain in Service custody and that the authority for his continued detention be passed on to the Headquarters Post Order Custody Unit.



Reviewing Officer: R. Bernal

14 March 02
Date:



Release



Reviewed by:

3/14/02
Date:



Do Not Concur

DISTRICT DIRECTOR'S CUSTODY DETERMINATION

- ☐ RELEASE FROM CUSTODY / ORDER OF SUPERVISION
- ☐ RELEASE FROM CUSTODY / ORDER OF SUPERVISION UNDER BOND

Bond Amount: _____

- ☐ CONTINUE IN CUSTODY / RETAIN CUSTODY DETERMINATION AUTHORITY FOR AN ADDITIONAL 90 DAYS AFTER REMOVAL PERIOD.
- ☒ CONTINUE IN CUSTODY / TRANSFER CUSTODY DETERMINATION AUTHORITY TO HQ PDU.

Comments (attach additional sheet(s) if necessary):

INS District Office:

Signature of District Director:
or of District Director's Designee

Phila, PA
JP Sallami
DAM

(Printed Name & Title)

Date: *3/14/02*

HEADQUARTER'S REVIEW OF CONTINUED DETENTION

Reviewing Officers	Concur	Reconsider	Date
_____ (Name, Title, Signature)	_____	_____	_____
_____ (Name, Title, Signature)	_____	_____	_____
_____ (Name, Title, Signature)	_____	_____	_____

For comments, please refer to the "Headquarters Post Order Custody Review" form.

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U.S. Department of Justice
Immigration and Naturalization Service
Philadelphia District

1600 Callowhill Street
Philadelphia, PA 19608

March 19, 2002

Tong Ho ZHANG
C/O Montgomery County Correctional Facility
60 Eagleville Road
Norristown, PA 19403-1400

**Decision by District Director to Continue Detention
Upon Expiration of Removal Period**

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of the Immigration and Naturalization Service (INS) at this time. This decision has been made based on a review of your file and consideration of the information submitted to INS reviewing officials in support of your application for release.

After carefully weighing the factors pertaining to your case, you will not be released from the custody of the INS because:

A review of your file indicates that you have been arrested for several crimes but do not appear to have been convicted. However, a review of your file does not indicate that you have any positive equities that would indicate that you would not pose a significant risk of flight if released. You have entered the United States illegally and have failed to comply with Service orders to present yourself for hearings and removal. You have provided no proof of familial or communal ties, offered employment or a place of residence. As such, you have been deemed to pose a significant risk of flight.

Control of your custody case will be:

☒ Transferred to the INS Headquarters Post Order Detention Unit. Your situation will be reviewed again by that unit within 30 days after it receives the case. They will send a notice to you when they schedule that review. Any material touching on your qualifications for release that you wish to have considered should be submitted to that office. You will find their address at the bottom of the next page.

☐ Maintained at this office for another 90 days. If no travel document is obtained within that period, control will be transferred to the INS Headquarters Post Order Detention Unit. Until that time any inquiries or material that you wish to have considered should be submitted to: _____

at : _____ (Name)

(Address)

Kenneth J. Elwood by [Signature]
Signature of District Director/Designated Representative
(Page 1 of 2)

3/19/02
Date

Decision to Continue Detention Upon Expiration of Removal Period

Page 2

Tong Ho ZHANG A# 70 577 572

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I _____,
Name & Title of INS Officer

certify that I served _____ with a copy
Name of detainee

of this document at _____ on _____, at _____.
Institution Date Time

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I Robert Bernal, D.O., certify that I served Tong Ho ZHANG A#72 577 572
Name & Title of INS Officer Name of detainee

an the custodian of records at MCCF
Institution

with a copy of this document by certified mail at on 03/19/2002.
Date

() CC: Attorney of Record or Designated Representative

(X) CC: A-File

ADDRESS FURTHER CORRESPONDENCE TO:

INS Enforcement
801 I St. NW, Suite 801
Washington, D.C. 20536

Attn: Headquarters Post Order Detention Unit

7



U.S. Department of Justice
Immigration and Naturalization Service

HQPDU
Washington, DC 20536

A70 577 572

Tong Ho Zhang
Philadelphia District Office
Montgomery County Correctional Facility
1287 County Welfare Road
Leesport, PA 19533

Decision to Continue Detention

The Immigration and Naturalization Service ("Service") has reviewed your request for release from detention pending your eventual removal from the United States. Based upon evidence in your administrative file as well as information contained in the record, your request is denied, although without prejudice to your ability to submit additional evidence in the future to demonstrate a good reason to believe that repatriation to China is not likely in the foreseeable future.

You are a native and citizen of the People's Republic of China who entered the United States illegally on July 29, 1992 near Douglas, AZ. You were served with an Order to Show Cause and placed into Removal Proceedings. While your case was pending, you were released after posting a delivery bond. Since you failed to appear for your hearing, you were ordered deported *in absentia* by an immigration judge on October 14, 1992. You were sent a notice demanding that you report for deportation and failed to report as required. The bond that was placed was consequently breached. Although you have a lengthy record of arrests, it does not appear that you were ever convicted of a crime. However, it was during one of your brief visits to jail, that immigration officers encountered you. Upon your release, you came back into INS custody on December 12, 2001.

The INS made a request to the Chinese government on August 27, 2001 for a document to effect your repatriation to China. Follow-up requests were made on December 10 and February 12, 2002. The INS' experience demonstrates that it is likely that a Chinese national may be removed to that country. In Fiscal Year (FY) 2000, 531 persons were removed to China. For the FY 2001, 472 persons were removed to China. And in the first three months of FY 2002, 207 nationals were removed. You have not demonstrated any evidence that your case is an exception. You have not shown good reason to believe that your removal is unlikely.

This denial, however, does not preclude you from bringing forth evidence at anytime in the future to demonstrate a good reason to believe that your removal is unlikely. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal, and that you are cooperating with the Service's efforts to remove you by taking whatever actions the Service requests to effect your removal.

You are also advised that any willful failure or refusal on your part to supply information for travel documents, or any actions or conspiracy on your part with others to obstruct the issuance of travel documents, may subject you to criminal prosecution under 8 U.S.C. § 1253(a).

For the reasons indicated, the Service denies your application for release.



Signature of HQPDU Director/Designated Representative

MAY 16 2002

Date